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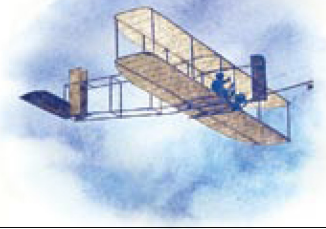
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INTELLECTUAL PROPERTY PERSPECTIVES

NEWS AND CURRENT ISSUES



JUDGE RANDALL R. RADER DELIVERS INAUGURAL KATZ IP LAW LECTURE

The Hon. Randall R. Rader (J.D. '78), a judge on the U.S. Court of Appeals for the Federal Circuit, delivered the inaugural lecture in the A. Sidney Katz Intellectual Property Law Speaker Series on October 22, 2008.

The well-attended event brought together more than 100 GW Law alumni, students, faculty, and friends for Rader's insightful talk on "Trying Patent Cases: Reflections from a Federal Circuit Judge." Judge Rader, who is an appellate judge, occasionally sits by designation as a trial judge, including on patent cases. Judge Rader shared with the audience his unique insights into what it is like to serve as a trial judge on a patent case of the type that the Federal Circuit reviews on a regular basis.

The endowed IP lecture series, which brings prominent practitioners to the Law School to speak about intellectual property law issues, is the latest contribution to the School by Sidney Katz, (J.D. '66). In addition to serving on the GW Law Intellectual Property Advisory Board for the past eight years, Katz has enhanced



JUDGE RADER, SIDNEY KATZ, AND ASSOCIATE DEAN JOHN WHEALAN

the Law School through numerous philanthropic gifts. His name adorns the Law School's Admissions and Financial Aid Office reception area, as well as the archway that connects the Law School's main streetscape along 20th Street to the University Yard.

Katz is managing partner of Husch Blackwell Sanders Welsh & Katz in Chicago, formed in June when his 45-attorney IP firm, Welsh & Katz, combined with the general practice firm Husch Blackwell Sanders. Katz has received widespread recognition for his work on the

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★ ★ ★

SPRING 2009

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MARKS VISITING PROFESSOR/ IP FELLOW SARAH RAJEC

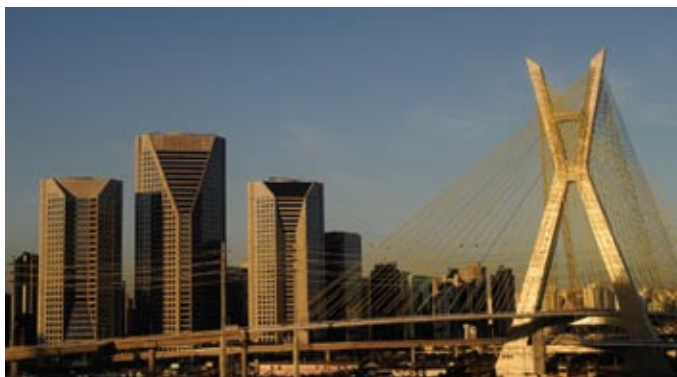
George Washington University Law School welcomes its fourth Frank H. Marks Visiting Associate Professor of Law and Administrative Fellow in the Intellectual Property Program, Sarah Wasserman Rajec. The fellowship, which is a



SARAH RAJEC

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CIEC—TECHNOLOGY, INNOVATION, AND PROGRESS: A CONVERSATION WITH GLOBAL LEADERS



On March 27, GW Law School's Creative and Innovative Economy Center (CIEC) and CIEC's research partners at the University of São Paulo's (USP) Center for Technology Policy and Management joined forces with the Business Software Alliance (BSA) to host a forum celebrating Brazil's recent achievements in information technology. The main event, hosted by honorary chairman, Ozires Silva, President Emeritus of Embraer, provided software executives from Brazil's promising IT companies the opportunity to engage in an open dialogue with representatives of

some of the world's largest corporations. The program was followed by BSA's Distinguished Innovators Awards Luncheon.

Speakers at the conference, attended by more than 200 executives and government representatives, included Michael P. Ryan (CIEC), Ary Plonski (USP), Robert Holleyman (BSA), Brad Smith (Microsoft), and David Nation (Bentley Systems). In addition to Smith and Nation, other general counsels from prestigious multi-nationals included, Daniel Carl (Sybase) and Scott Taylor (Symantic).

Once the main forum concluded, BSA hosted an awards ceremony honoring five exceptional individuals and one organization from Brazil who are transforming IT. The award winners were selected after a lengthy survey completed by the CIEC/USP team. CIEC/USP presented a number of full case studies and profiles of those they believed had made the most significant contributions to Brazilian IT and the BSA selected the finalists.

A report featuring profiles of all award winners compiled by CIEC/USP is available at www.law.gwu.edu/ciec. ★



IP PERSPECTIVES

IP Perspectives is published by the Intellectual Property Law Program at The George Washington University Law School.

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FIVE NEW BENEFACTORS SUPPORT IP AT GW LAW

Intel First Corporate Benefactor



ROBERT G. STERNE OF STERNE KESSLER, GOLDSTEIN & FOX, PLLC WITH PROFESSORS MICHAEL ABRAMOWICZ AND JOHN DUFFY AND VISITING ASSOCIATE PROFESSOR SARAH RAJEC, GAVE A TALK ON "OPTIMIZED REEXAMINATION STRATEGIES."

GW's IP Benefactors make a significant contribution to the School's Intellectual Property Program. The Benefactors Program includes IP corporations and law firms that each designates a member to serve on the School's IP Advisory Board and provide counsel on the development of the academic program. This year, Intel further strengthened its relationship with GW Law by becoming the first corporate member of the Benefactors Program. Four new law firms also recently joined the ranks of IP Benefactors, which includes:

- Howrey LLP
- Intel Corp.
- Kenyon & Kenyon LLP
- Latham & Watkins LLP
- Lowe Hauptman Ham & Berner LLP
- Ropes & Gray LLP
- Rothwell, Figg, Ernst & Manbeck, P.C.
- Sterne, Kessler, Goldstein & Fox P.L.L.C.
- The Bureau of National Affairs, Inc. (BNA)

IP Benefactors receive a number of benefits from the School, including:

- Membership on the Intellectual Property Advisory Board
- Complimentary firm lunch or reception for students
- Complimentary participation in GW's annual IP Networking Fair
- Invitations to IP events
- Use of GW Law facilities
- Acknowledgement as an IP Benefactor

Further information about the IP Benefactors Program can be found at www.law.gwu.edu/ip or by contacting Associate Dean John Whealan at jwhealan@law.gwu.edu or (202) 994-2195. ★

[NEWS NOTES]

JEANNE FROMER LECTURES IN FALL IP WORKSHOP SERIES



PROFESSOR JEANNE FROMER OF FORDHAM WRAPPED UP THE FALL 2008 IP WORKSHOP SERIES WITH A TALK ON "CLAIMING INTELLECTUAL PROPERTY."

Fordham University School of Law Associate Professor Jeanne C. Fromer presented the concluding lecture in GW Law's Fall 2008 Intellectual Property Workshop Series on November 6. The presentation, titled "Claiming Intellectual Property," explored the claiming systems of patent and copyright law.

Sponsored by a gift from the Bureau of National Affairs Inc., the lunchtime speaker series brought four IP professors from around the country to GW this fall to discuss wide-ranging topics in the IP field. The series kicked off with a lecture by John M. Golden, Assistant Professor at the

University of Texas at Austin Law School, on "The Supreme Court as 'Prime Percolator': A Prescription for Appellate Review of Questions in Patent Law." Next on the agenda was a talk by Professor Gregory N. Mandel from Temple University Beasley School of Law on "Left Brain Versus Right Brain: Competing Conceptions of Creativity in Intellectual Property Law." Rounding out the series was a presentation by Beth S. Noveck, a professor at New York Law School and director of the Institute for Information Law and Policy, on "Public Participation in Intellectual Property Policymaking." ★

GW'S GILES RICH MOOT COURT COMPETITION MOVES TO PRIME TIME

The final round of the Giles S. Rich Moot Court Competition was held on the evening of January 13, 2009, presided over by Judge Randall R. Rader (J.D. '78), Donald Dunner (GW adjunct faculty and IP Advisory Board member), and Associate Dean for IP John Whealan. The Giles Rich Moot Court Competition is a national competition for which GW also holds intrascholastic rounds where approximately 18 teams competed over the weekend of January 10-11, 2009, producing two final teams: Deborah Cohen and Yasmin Tarhouni and Joseph Edell and Christopher Agrawal. The final round of the competition was held in the Jacob Burns Moot Court Room and was attended by a standing-room crowd of more than 100. Dean Frederick Lawrence hosted the

reception that followed. The competition was extremely close and was won by the team of Edell and Agrawal. The winning team was also awarded Best Brief, and Joe Edell was selected as the Best Overall Competitor. James Watson won for Best Oralist. Judges for the earlier rounds of the competition included several GW IP alumni. Any GW IP alumni wishing to participate as a judge in next year's initial rounds should contact Dean Whealan at jwhealan@law.gwu.edu or at (202) 994-2195.

The winning team of Joseph Edell and Christopher Agrawal advanced to the regional competition in Boston and were coached by Dean Whealan. They won second place, advancing to the national competition, which will be held in Washington, D.C. in April. We wish them luck! ★



GILES RICH MOOT COURT WINNERS CHRISTOPHER AGRAWAL (L) AND JOSEPH EDELL FLANK COMPETITION JUDGES DONALD DUNNER, JUDGE RANDALL RADER, AND ASSOCIATE DEAN JOHN WHEALAN.

MUNICH SUMMER PROGRAM



GW offers students a unique experience by allowing them to study IP in Munich at the Max Planck Institute for Intellectual Property. The program consists of eight, one-credit courses, taught over a four-week period by IP professors from U.S. law schools (including GW) and around the world. Courses to be offered in 2009 include:

FIRST SESSION, JUNE 29TH-JULY 11TH:

- International Patent Law: Prof. Margo Bagley
- International Copyright Law: Prof. Margaret Chon
- Internet Law: Prof. Michael Carroll
- Cross-Border Trade in Intellectual Property: Prof. Robert Brauneis

SECOND SESSION (JULY 12TH-25TH):

- Theoretical Foundations of IP: Prof. Michael Madison
- IP and Indigenous Heritage: Prof. Silke von Lewinski
- TRIPS, Patents and Public Health: Prof. Sarah Rajec
- Federal Circuit: Prof. John Whealan

For information about the Munich Summer Program visit www.law.gwu.edu/ip. ★

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two-year position, has three elements: teaching, administration of the IP program, and research. The Marks IP Fellow teaches one course per academic year and assists with administration of the Dean Dinwoodey Center for Intellectual Property Studies, which includes bringing in speakers for the Intellectual Property Workshop Series and organizing other speakers and events. At the same time, the Marks IP Fellow has the opportunity to pursue a scholarly project and prepare to enter the law teaching market,

normally in the fall semester of the second year.

Professor Rajec joins GW Law following a clerkship with Judge Donald C. Pogue at the U.S. Court of International Trade and a position as an associate in patent litigation at Fish & Richardson, PC, in Boston. Professor Rajec received her J.D. with honors from the University of Michigan, and her B.S. with honors in physics, from Brown University. She is scheduled to teach *TRIPS, Patents and Public Health* at GW Law's Munich Intellectual Property Summer

{SPRING IP SPEAKER SERIES}

Following on the heels of a successful fall speaker series, GW Law's Dean Dinwoodey Center for Intellectual Property Studies hosted four outstanding IP scholars from around the country and around the world who gave presentations and discussed their current research over lunch. The spring 2009 IP Speaker Series included:

Kevin Collins, Indiana University School of Law, Bloomington

"Patent Eligibility and Meaning"

Philippe Giliéron, Lausanne Law School

"Online Advertising Business Models and Trademarks: Should One Rethink the Concept of Confusion?"

Greg Vetter, University of Houston Law Center

"Commercial Free and Open Source Software"

Michael Carroll, Villanova University School of Law

"From Empire to Federation: Reconceiving Copyright Law"

All are welcome to these lunch presentations, which are made possible by a generous gift from the Bureau of National Affairs. For information on future lunches (including how to RSVP), please visit www.law.gwu.edu/ipevents. ★

Program this year, before beginning a clerkship with Judge Alan D. Lourie, of the U.S. Court of Appeals for the Federal Circuit. "Professor Rajec has played a vital role in helping to coordinate GW's IP program this year and I'm sure she will soon become a great addition to the academy in the area of intellectual property law," commented Associate Dean John Whealan.

With the program now in its sixth year, GW Law is proud of the placements of previous fellows, all of whom are

currently in academic positions. Laura Heymann is an assistant professor at William and Mary School of Law, Laura Bradford is an assistant professor at George Mason University School of Law, and Shamnad Basheer was recently appointed the Ministry of Human Resource Development Chair in Intellectual Property at the National University of Juridical Sciences, Kolkata, India (see related story). ★

FORMER MARKS FELLOW SHAMNAD BASHEER APPOINTED TO FACULTY CHAIR

George Washington University Law School is proud of former Marks IP Fellow, Shamnad Basheer, who has just received an appointment at the National University of Juridical Sciences (NUJS) in Kolkata, India. Professor Basheer will be the first to hold the newly-created Ministry of Human Resource Development Chair in Intellectual Property at NUJS.

Professor Basheer was born in Kerala, India. His dual interest in the law and in science led him to focus on IP law while attending India's premier law school, the National Law School of India University, Bangalore. After graduation, Basheer joined the IP firm Anand and Anand, in New Delhi, where he was subsequently named head of the IT and Technology Law division. Professor Basheer pursued post-graduate studies at the University of Oxford,

completing his M. Phil. with distinction, and writing a thesis on Indian biotechnology and patent law that received second prize in a *Stanford Technology Law Review* writing contest. He is currently reading for his Ph.D. as a Wellcome Trust scholar.

While at GW Law, Professor Basheer taught the course *TRIPS, Pharmaceutical Patents and Public Health*. He found the class to be "great fun," because, as so often happens at GW, he "had a very vocal bunch of students, who came from different ideological backgrounds." Basheer's research and writing at GW led to a paper on a landmark patent case Novartis brought against India, challenging the TRIPS compatibility and constitutionality of a provision in Indian patent law that had led to the denial of a patent application filed by Novartis. The paper won first prize in a competition held by the

International Association for the Advancement of Teaching and Research in Intellectual Property. Professor Basheer reflects that his interactions with GW's faculty and the "A-list" IP experts the school attracts helped his intellectual growth tremendously.

Professor Basheer explains that now is a very interesting time to be at NUJS, where IP is a big focus. The chair he holds is funded by the Indian government, which Basheer considers "particularly keen on having better academic input inform their policy-making endeavors." Basheer already has his sights on two IP projects that will be run out of NUJS. The first involves an online model of collaboration in IP policy making, while the second will focus on reconceptualizing IP norms to cater to the "informal economy"—economic activity not monitored by the government that is often



SHAMNAD BASHEER

associated with developing countries. As he moves forward in his career, Basheer remains in frequent contact with his mentors from GW Law, and considers the fellowship to have been "immensely valuable."

We wish Professor Basheer all the best in his new position! ★

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protection of computer programs and video games under copyright laws.

"Sid Katz's continued and generous support of the Law School allows us to produce outstanding events like this one, which we are pleased to open to all members of the GW community," says John Whealan, Associate Dean for Intellectual Property Law Studies.

In spring 2009, the series will include Ananda Chakrabarty from the famous Supreme Court case *Diamond v. Chakrabarty* as the next Katz Speaker. For reservations and information, please RSVP to iplaw@law.gwu.edu or call 202-994-1806. ★

FIFTH ANNIVERSARY OF MIPLC

The Munich Intellectual Property Law Center (MIPLC) recently celebrated its fifth anniversary. On December 15, Dean Frederick Lawrence, Associate Dean Susan Karamanian, Professor Martin Adelman, and Professor Robert Brauneis participated in a day-long symposium in Munich to commemorate the anniversary.

The MIPLC is a cooperative venture of The George Washington University Law School, the Max Planck Institute for Intellectual Property, Competition and Tax Law, the University of Augsburg, and the Technische Universität München. Further information is available at www.law.gwu.edu/ip. ★



(L-R) PROFESSOR JOSEF DREXL, CURRENT MIPLC MANAGING BOARD CHAIR, PROFESSOR JOSEPH STRAUS, MIPLC MANAGING BOARD CHAIR 2003–2008, GW LAW DEAN FREDERICK M. LAWRENCE, AND GW LAW PROFESSOR ROBERT BRAUNEIS.

JOHN WHEALAN ADDRESSES AIPLA

GW's Associate Dean for Intellectual Property Law Studies, John Whealan, was the luncheon speaker at the annual meeting of the American Intellectual Property Law Association in Washington, D.C. on October 23, 2008. Dean Whealan's talk covered the patent reform movement going on in all three branches of government, and how it is viewed by lawmakers with generalist backgrounds. ★



DEAN WHEALAN

2009 IP NETWORKING FAIR

On February 2, 2009, the Career Development Office, in conjunction with the IP Program and the Student Intellectual Property Law Program held their annual IP Networking Fair, which was attended by nearly 40 law firms and government agencies. The fair provides an excellent opportunity for GW IP students to talk with potential IP employers, and more than 120 students attended. ★

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